

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

BYRON HICKEY,  
Plaintiff,

VS.

COLUMBUS, GEORGIA  
CONSOLIDATED GOVERNMENT,  
Defendant.

\* CASE NO.  
\* 4:07-cv-96 (CDL)  
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**PLAINTIFF'S MOTION FOR AWARD OF ATTORNEYS' FEES**

Pursuant to Local Rule 54.1, 42 U.S.C. § 2000e, and 42 U.S.C. § 1981/1983, Plaintiff hereby moves that this Court enter an order for Defendant to pay Plaintiff for attorneys' fees reasonably expended in obtaining excellent relief in this case. The services itemized in the attached affidavits and attorney time sheets were reasonably incurred in the pursuit of claims under 42 U.S.C. § 2000e and 42 U.S.C. § 1981/1983 in litigation in which the Plaintiff has been determined to be a prevailing party since the jury returned a verdict on December 6, 2010 in Plaintiff's favor at the trial of this case. Judgment against Defendant in favor of the Plaintiff in the amount of \$306,969.55 was entered by this Court on December 10, 2010.

Plaintiff's counsel requests that the Court enter an order for Defendant to pay Plaintiff for attorneys' fees in the amount of \$309,777.00 for work done for Plaintiff from April 4, 2006 through January 8, 2011. Additionally, should the Court determine in his discretion that it is appropriate, Plaintiff requests a 25% enhancement of \$77,444.25 for achieving an excellent result, for a total amount of \$387,221.25. This request represents work done and expenses incurred in this matter by the following entities at the following rates:

Gwyn P. Newsom - 560.1 hours x \$350.00 =	\$ 196,035.00
Richard A. Bunn - 61.3 hours x \$325.00 =	\$ 19,922.50
Maxine B. Hardy - 217.8 hours x \$325.00 =	\$ 70,785.00
Sheryl A. Herring - 200.3 hours x \$115.00 =	<u>\$ 23,034.50</u>

<b>Total hours</b>	<b>\$ 309,777.00</b>
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<b>Additional request for 25% enhancement:</b>	<b><u>\$ 77,444.25</u></b>
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<b>Total amount requested:</b>	<b>\$387,221.25</b>
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In support of this motion, Plaintiff relies upon the following:

1. Brief in Support of Motion;
2. Detailed billing list of time, attached hereto as Exhibit "A";
3. Chart showing summary of time spent - Attachment 1 to Exhibit "A";
4. Affidavit of Gwyn P. Newsom, attached hereto as Exhibit "B";
5. Affidavit of Richard A. Bunn, attached hereto as Exhibit "C";
6. Affidavit of Maxine B. Hardy, attached hereto as Exhibit "D";
7. Affidavit of Sheryl A. Herring attached hereto as Exhibit "E";
8. Affidavit of Janet E. Hill attached hereto as Exhibit "F"; and
9. Affidavit of John Roper attached hereto as Exhibit "G";<sup>1</sup>
10. All other pleadings properly before this Court.

As set out in the brief and exhibits accompanying this motion, under 42 U.S.C. § 2000e and 42 U.S.C. § 1981/1983, Plaintiff's counsel are entitled to the sums sought. Plaintiff seeks a total amount of fees of \$387,221.25. Additionally, Plaintiff's Bill of Costs filed contemporaneously with this motion for attorney's fees requests that the Clerk tax costs in the amount of \$5,710.47 against Defendant in Plaintiff's favor. Finally, Plaintiff requests that his counsel be compensated for any additional fees incurred in connection with this motion.

Respectfully submitted this 8<sup>th</sup> day of January, 2011.

/s/ Gwyn P. Newsom

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1 Because of bad weather predicted for January 9-10, 2011, lead counsel Newsom and paralegal Herring worked today (Saturday, 1/8/11) to complete and file Plaintiff's motion herein, although the deadline for doing so is not until Monday, 1/10/11. Attorney John Roper is aware of the 1/10/11 deadline and is working on his affidavit in support of this motion. Plaintiff's counsel has been unable to contact Roper today to obtain the final version of his affidavit in time to file with this motion. Plaintiff respectfully requests that he be allowed to file attorney John Roper's affidavit when it is received by Plaintiff's counsel, which will be on or before the deadline for filing this motion, i.e. January 10, 2011.

Gwyn P. Newsom  
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CERTIFICATE OF SERVICE

I do hereby certify that I am counsel for the Plaintiff in the above-styled action and that I have this 8<sup>th</sup> day of January, 2011 electronically filed the above and foregoing PLAINTIFF'S MOTION FOR AWARD OF COSTS, EXPENSES, AND ATTORNEYS' FEES with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: James C. Clark, [jcc@psstf.com](mailto:jcc@psstf.com), Thomas F. Gristina, [tfg@psstf.com](mailto:tfg@psstf.com), Kirsten C. Stevenson, [kcs@psstf.com](mailto:kcs@psstf.com), Clifton Fay, [cfay@columbusga.org](mailto:cfay@columbusga.org), Jaimie DeLoach, [jdeloach@columbusga.org](mailto:jdeloach@columbusga.org), and Richard A. Bunn, [rabunlaw@aol.com](mailto:rabunlaw@aol.com), Maxine Burns Hardy, and [maxineburnshardy@bellsouth.net](mailto:maxineburnshardy@bellsouth.net).

By: /s/ Gwyn P. Newsom  
Gwyn P. Newsom  
Counsel for Plaintiff